

Notice of Allowability

Application No.

09/610,540

Examiner

Yogesh C. Garg

Applicant(s)

ELDER, RICHARD

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/9/2007 & 11/30/2006.
2. ☒ The allowed claim(s) is/are 16 and 18-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

Art Unit: 3625

DETAILED ACTION

1. In view of the amended Appeal Brief filed on 2/9/2007, PROSECUTION IS HEREBY REOPENED. An Allowance is set forth below.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The applicant's arguments (see Appeal Brief, pages 4-9) are compelling and persuasive and rejection of claims 16 and 20 under 35 USC 103 (a) as being unpatentable over Shkedy (US Patent 6,260,024) in view of Abecassis (US Patent 5,426,281) and further in view of Sullivan (US Patent Publication 2001/0018665) is withdrawn.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Allowable Subject Matter

2. Claims 16, and 18-21 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Claim 16: Regarding claim 16, the prior art of record does not, either alone or

Art Unit: 3625

combined, fairly anticipate or render obvious a method, as a whole, for conducting an auction website operated by a sponsoring financial institution comprising, inter alia, the steps of registering potential buyers and sellers for the auction website by verifying that the potential buyers and sellers have at least one active account with the sponsoring financial institution, facilitating access to the auction website through a network, accepting bids from registered potential buyers for listed goods of registered sellers through the auction website, recognizing (i) a final bid amount for at least one good listed by a registered seller and (ii) a registered buyer who bids the final bid amount for the at least one good, prompting the registered buyer of the at least one good to select a buyer's payment account and the registered seller of the at least one good to select a seller's payment account, comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow account, and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's payment account and the seller's payment account includes: setting a first time period within which the seller must deliver the good to the buyer. when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer inspects the goods to determine conformance and when either (i) the buyer acknowledges conformance of the good within the second time period or (ii) the second

Art Unit: 3625

time period expires with no further contact from the buyer, retrieving the final bid amount from the escrow account and crediting the final bid amount to the seller's payment account.

Claim 18: Regarding claim 18, the prior art of record does not, either alone or combined, fairly anticipate or render obvious a method, as a whole, for conducting an auction website operated by a sponsoring financial institution comprising, inter alia, the steps of registering potential buyers and sellers for the auction website by verifying that the potential buyers and sellers have at least one active account with the sponsoring financial institution, facilitating access to the auction website through a network, accepting bids from registered potential buyers for listed goods of registered sellers through the auction website, recognizing (i) a final bid amount for at least one good listed by a registered seller and (ii) a registered buyer who bids the final bid amount for the at least one good, prompting the registered buyer of the at least one good to select a buyer's payment account and the registered seller of the at least one good to select a seller's payment account, comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow account, and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's

Art Unit: 3625

payment account and the seller's payment account includes: setting a first time period within which the seller must deliver the good to the buyer, when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer must inspect the goods to determine conformance, when the buyer determines that the good is non-conforming, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller, when the buyer returns the good to the seller within the third time period, setting a fourth time period within which the seller inspects the good to determine if the good is in the same condition as it was in when it was originally sent to the buyer and when the seller determines that the good is in the same condition, retrieving the final bid amount from the escrow account, and returning the final bid amount to the buyer's payment account.

Claim 19: Regarding claim 19, the prior art of record does not, either alone or combined, fairly anticipate or render obvious a method, as a whole, for conducting an auction website operated by a sponsoring financial institution comprising, inter alia, the steps of registering potential buyers and sellers for the auction website by verifying that the potential buyers and sellers have at least one active account with the sponsoring financial institution, facilitating access to the auction website through a network, accepting bids from registered potential buyers for listed goods of registered sellers through the auction website, recognizing (i) a final bid amount for at least one good listed by a registered seller and (ii) a registered buyer who bids the final bid amount for

Art Unit: 3625

the at least one good, prompting the registered buyer of the at least one good to select a buyer's payment account and the registered seller of the at least one good to select a seller's payment account, comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow account, and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's payment account and the seller's payment account includes: setting a first time period within which the seller must deliver the good to the buyer, when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer must inspect the goods to determine conformance, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller when the buyer determines that the good is non-conforming, setting a fourth time period within which the buyer and the seller negotiate a new bid price for the good when the buyer requests a bargaining session with the seller and the seller agrees to the bargaining session, comparing the final bid price to the new bid price to determine a difference, when an identical new bid price is received from both the buyer and seller within the fourth time period, retrieving the final bid price from the escrow account, returning an amount equal to the difference to the buyer's payment account and crediting the seller's payment account with the new bid price.

Claim 20: Regarding claim 20, the prior art of record does not, either alone Or combined, fairly anticipate or render obvious a method, as a whole, for conducting an auction website operated by a sponsoring financial institution comprising, inter alia, the steps of registering potential buyers and sellers for the auction website by verifying that the potential buyers and sellers have at least one active account with the sponsoring financial institution, facilitating access to the auction website through a network, accepting bids from registered potential buyers for listed goods of registered sellers through the auction website, recognizing (i) a final bid amount for at least one good listed by a registered seller and (ii) a registered buyer who bids the final bid amount for the at least one good, prompting the registered buyer of the at least one good to select a buyer's payment account and the registered seller of the at least one good to select a seller's payment account, comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and crediting the seller's selected payment account with the final bid amount, and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's payment account and the seller's payment account includes: setting a first time period within which the seller must deliver the good to the buyer, when the buyer does not receive the good from the seller within the first time

Art Unit: 3625

period, returning the final bid amount to the buyer's payment account and charging the seller's payment account with the final bid amount.

Claim 21: Regarding claim 21, the prior art of record does not, either alone or combined, fairly anticipate or render obvious a method, as a whole, for conducting an auction website operated by a sponsoring financial institution comprising, inter alia, the steps of registering potential buyers and sellers for the auction website by verifying that the potential buyers and sellers have at least one active account with the sponsoring financial institution, facilitating access to the auction website through a network, accepting bids from registered potential buyers for listed goods of registered sellers through the auction website, recognizing (i) a final bid amount for at least one good listed by a registered seller and (ii) a registered buyer who bids the final bid amount for the at least one good, prompting the registered buyer of the at least one good to select a buyer's payment account and the registered seller of the at least one good to select a seller's payment account, comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and crediting the seller's selected payment account with the final bid amount, and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's payment account and the seller's payment account includes: setting a first time

Art Unit: 3625

period within which the seller must deliver the good to the buyer, setting a second time period within which the buyer must inspect the goods to determine conformance when the seller delivers the good to the buyer within the first time period, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller when the buyer determines that the good is non-conforming, setting a fourth period within which the buyer and the seller negotiate a new bid price for the good when the buyer requests a bargaining session with the seller and the seller agrees to the bargaining session, comparing the final bid amount to the new bid price to determine a difference when an identical new bid price is received from both the buyer and seller within the fourth period, crediting an amount equal to the difference to the buyer's payment account, and debiting the seller's payment account for an amount equal to the difference.

4. Discussion of most relevant prior art of record.

Shkedy (US Patent 6,260,024) discloses a method and system for providing a bi-lateral auction at a central controller, via a computer network. Multiple buyers are combined to submit a group bid for sellers' products, in order to take advantage of economies of scale. The aggregation of orders demands that all contracts must be binding. As such, Shkedy specifically emphasizes that all parties be verified as holding an account at the central controller and that all parties have adequate credit

Art Unit: 3625

to execute any transaction. Before adding a buyer's forward purchase order, FPO, to the aggregated asking price, the central controller authenticates the buyer's identification number against a buyer database (identifying a population comprising ... a potential buyer who are account holders at the central controller). The central controller may require that the buyer provide a credit card number and may also ensure that the buyer has sufficient credit available to cover the purchase price specified in the FPO [Col 5, Lin 61]. A seller then views these aggregated FPOs and places their own "bid" on the contract. The central controller authenticates the identity of the seller as well as verifying the seller's probable capacity to deliver the goods [Col 17, Lin 1]. Authentication involves the central controller extracting the seller ID from the seller's "bid" and looking up the seller's identity in seller database (identifying a population comprising ... a potential seller who are account holders at the central controller) [Col 17, Line 10]. The winning sellers/buyers are informed of the purchase. The seller transfers goods to the buyer. The central controller acts as the arbiter in cases where the goods do not meet the buyer's satisfaction. Upon completion of delivery and verification of buyer satisfaction, the central controller automatically confers payment to the seller [Col 18, Line 1]. Shkedy discloses an embodiment where the central controller can be comprised of three distinct elements, an operations server, that handles the posting and receipt of buyers' bids, a certificate authority, which authenticates the identify of buyers and sellers, and a settlement server, which verifies the ability of buyers to pay and the ability of sellers to deliver on FPOs and seller bids. Shkedy discloses that a bank, insurance company

Art Unit: 3625

or other financial institution could act as the settlement server, establishing the identity of an individual, buyer or seller in that these financial institutions have the capability to back up their certifications and thus can insure both buyers and sellers against fraud. [Col 25, Line 49]. Shkedy discloses that the central controller in addition to supporting refunds/returns for unacceptable goods/services also supports escrow account payment systems. Escrow accounts allow payments to be delayed until the seller completes delivery of goods while at the same time ensuring the buyer will in fact make payment. The central controller establishes an escrow account as a temporary holding account. When the seller is awarded the contract, funds are transferred from the buyer to the escrow account. Only after the buyer has received the goods are funds transferred from escrow to the intermediary account. The buyer then may transmit a digitally signed release message to the central controller authorizing the release of the escrowed funds to the seller (buyer acknowledges conformance of the good). See the following segments from Shkedy: Col.6, lines 58-63, Col.11, lines 18-20, col.18, lines 8-15, Col.20, lines 10-21.

Shkedy, either alone or combined with another prior art, does not fairly disclose or render obvious, as a whole:

comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow amount or crediting the seller's selected payment account

Art Unit: 3625

with the final bid amount and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's payment account includes :

(for claim 16) setting a first time period within which the seller must deliver the good to the buyer. when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer inspects the goods to determine conformance and when either (i) the buyer acknowledges conformance of the good within the second time period or (ii) the second time period expires with no further contact from the buyer, retrieving the final bid amount from the escrow account and crediting the final bid amount to the seller's payment account.

(for claim 18) setting a first time period within which the seller must deliver the good to the buyer, when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer must inspect the goods to determine conformance, when the buyer determines that the good is non-conforming, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller, when the buyer returns the good to the seller within the third time period, setting a fourth time period within which the seller inspects the good to determine if the good is in the same condition as it was in when it was originally sent to the buyer and when the seller determines that the good is in the same condition, retrieving the final bid amount from the escrow account, and returning the final bid amount to the buyer's payment account.

Art Unit: 3625

(for claim 19) setting a first time period within which the seller must deliver the good to the buyer, when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer must inspect the goods to determine conformance, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller when the buyer determines that the good is non-conforming, setting a fourth time period within which the buyer and the seller negotiate a new bid price for the good when the buyer requests a bargaining session with the seller and the seller agrees to the bargaining session, comparing the final bid price to the new bid price to determine a difference, when an identical new bid price is received from both the buyer and seller within the fourth time period, retrieving the final bid price from the escrow account, returning an amount equal to the difference to the buyer's payment account and crediting the seller's payment account with the new bid price.

(for claim 20) setting a first time period within which the seller must deliver the good to the buyer, when the buyer does not receive the good from the seller within the first time period, returning the final bid amount to the buyer's payment account and charging the seller's payment account with the final bid amount.

(for claim 21) setting a first time period within which the seller must deliver the good to the buyer, setting a second time period within which the buyer must inspect the goods to determine conformance when the seller delivers the good to the buyer within the first time period, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller when the

Art Unit: 3625

buyer determines that the good is non-conforming, setting a fourth period within which the buyer and the seller negotiate a new bid price for the good when the buyer requests a bargaining session with the seller and the seller agrees to the bargaining session, comparing the final bid amount to the new bid price to determine a difference when an identical new bid price is received from both the buyer and seller within the fourth period, crediting an amount equal to the difference to the buyer's payment account, and debiting the seller's payment account for an amount equal to the difference.

Abecassis (US Patent 5,426,281) in the same field of endeavor, that is computer based transactions and payments via credit cards a process for protecting the transactions for both buyers and sellers via an escrow agency, suggests setting first time period for delivery and second time period for allowing the buyer to inspect and if the second time period expires with no further contact from the buyer, retrieving the final bid amount from the escrow amount (see at least col.3, line 63-col.4, line 27,

"Briefly, these and other objects of the invention are accomplished in its apparatus aspects by means of a computer-based transaction system where parties deposit funds in an escrow ... The conditions upon which the deposit will be released are set. The condition entry will also include a time component, i.e. delivery-by-date, that will define the date of the deposit release, i.e. delivery to purchaser (refers to setting first time period for delivery)

..... (27) Also provided is a feature where after a predetermined number of days following the delivery-by-date, payment will be automatically made to the seller unless the buyer has acted in the intervening time to prevent same (refers to setting second time period for the buyer to inspect and acknowledge the conformance of goods but if the second time period expires without receiving the buyer's acknowledgement the final bid amount that is the payment is automatically retrieved from the escrow amount and credited to the seller.)".

Art Unit: 3625

Shkedy combined with Abecassis does not explicitly disclose the following steps as a whole:

(for claim 16) that the central controller is a financial institution and comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow amount or crediting the seller's selected payment account with the final bid amount and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution.

(for claim 18) that the central controller is a financial institution and comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow amount or crediting the seller's selected payment account with the final bid amount and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution, wherein facilitating settlement between the buyer's payment account includes : setting a first time period within which the seller must deliver the good to the buyer, when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer must inspect the goods to determine conformance, when the buyer

Art Unit: 3625

determines that the good is non-conforming, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller, when the buyer returns the good to the seller within the third time period, setting a fourth time period within which the seller inspects the good to determine if the good is in the same condition as it was in when it was originally sent to the buyer and when the seller determines that the good is in the same condition, retrieving the final bid amount from the escrow account, and returning the final bid amount to the buyer's payment account.

(for claim 19) setting a first time period within which the seller must deliver the good to the buyer, when the seller delivers the good to the buyer within the first time period, setting a second time period within which the buyer must inspect the goods to determine conformance, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller when the buyer determines that the good is non-conforming, setting a fourth time period within which the buyer and the seller negotiate a new bid price for the good when the buyer requests a bargaining session with the seller and the seller agrees to the bargaining session, comparing the final bid price to the new bid price to determine a difference, when an identical new bid price is received from both the buyer and seller within the fourth time period, retrieving the final bid price from the escrow account, returning an amount equal to the difference to the buyer's payment account and crediting the seller's payment account with the new bid price.

Art Unit: 3625

(for claim 20) setting a first time period within which the seller must deliver the good to the buyer, when the buyer does not receive the good from the seller within the first time period, returning the final bid amount to the buyer's payment account and charging the seller's payment account with the final bid amount.

(for claim 21) setting a first time period within which the seller must deliver the good to the buyer, setting a second time period within which the buyer must inspect the goods to determine conformance when the seller delivers the good to the buyer within the first time period, setting a third time period within which the buyer either (iii) returns the good to the seller or (iv) requests a bargaining session with the seller when the buyer determines that the good is non-conforming, setting a fourth period within which the buyer and the seller negotiate a new bid price for the good when the buyer requests a bargaining session with the seller and the seller agrees to the bargaining session, comparing the final bid amount to the new bid price to determine a difference when an identical new bid price is received from both the buyer and seller within the fourth period, crediting an amount equal to the difference to the buyer's payment account, and debiting the seller's payment account for an amount equal to the difference.

Sullivan (US Publication 2001/0018665) discloses a method and system for administering promotions for manufacturers and retailers and to settle the promotion the independent system can use any of the three different payment options (see paragraphs 0080 and 0097) but does not disclose comparing the final bid amount to a pre-determined threshold amount to determine a preferred payment process, wherein

Art Unit: 3625

the preferred payment process when the final bid amount is above the pre-determined threshold amount includes: debiting the buyer's selected payment account for the final bid amount and depositing the final bid amount into an escrow account or crediting the seller's selected payment account with the final bid amount and facilitating settlement between the buyer payment account and the seller payment account both held at the sponsoring financial institution. In this regard, the applicant's arguments (see amended Appeal Brief filed on 2/9/2007, pages 4-9) are equally compelling and persuasive.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Ronen (US Patent 5,905,736) discloses a method for performing centralized billing for transactions conducted over the Internet between a user and Internet Service provider. The charges for the transactions are compared with a predetermined amount to select a billing choice, such as billing to a telephone account associated with the user if the charges are less than a predetermined account or to an identified debit account if the charges are greater than a predetermined account (see col.4, lines 20-67). Ronen does not disclose , as a whole, the limitations of claims 16, 18-21 as analyzed above in the " Reasons for Allowance".

(ii) Kight et al. (US Patent 5,873,072) discloses a method and system of selecting a payment process, that is via paper draft/check or electronic, to merchants on behalf of consumers based on a financial risk analysis (see at least Abstract and

Art Unit: 3625

col.5, lines 25-65) but does not disclose , as a whole, the limitations of claims 16, 18-21 as analyzed above in the " Reasons for Allowance".

(iii) Walker et al. (US Patent 6,108,639) discloses a method and system of conditional purchase offer (CPO) management system for collectibles and if the goods to be sold are found sub-grade then the management system 100 can attempt to complete a transaction for those sub-grade goods at a reduced price (see at least Abstract and col.12, lines 35-58). Walker does not disclose , as a whole, the limitations of claims 16, 18-21 as analyzed above in the " Reasons for Allowance".

(iv) Kaminsky et al. (US Publication 2001/0047308A1) discloses a method and system for selling returned items or excess inventory at a considerable discount (see at least Abstract and paragraphs 0016 and 0019).

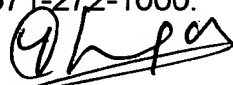
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
3/1/2007